

The Senate Committee on Insurance and Labor offered the following substitute to HB 216:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated,  
2 relating to compensation for occupational disease, so as to allow a firefighter to show certain  
3 evidence as to the ordinary disease of life of cancer; to provide for related matters; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article 8 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to  
8 compensation for occupational disease, is amended by revising Code Section 34-9-280,  
9 relating to definitions, as follows:

10 "34-9-280.

11 As used in this article, the term:

12 (1) 'Disablement' means the event of an employee becoming actually disabled to work,  
13 as provided in Code Sections 34-9-261, 34-9-262, and 34-9-263, because of occupational  
14 disease.

15 (2) 'Occupational disease' means those diseases which arise out of and in the course of  
16 the particular trade, occupation, process, or employment in which the employee is  
17 exposed to such disease or a risk factor for such disease, provided the employee or the  
18 employee's dependents first prove to the satisfaction of the State Board of Workers'  
19 Compensation all of the following:

20 (A) A direct causal connection between the conditions under which the work is  
21 performed and the disease;

22 (B) That the disease followed as a natural incident of exposure by reason of the  
23 employment;

24 (C) That the disease is not of a character to which the employee may have had  
25 substantial exposure outside of the employment;

26 (D)(i) That the disease is not an ordinary disease of life to which the general public  
27 is exposed; or

28 (ii) If the disease is cancer, which is otherwise considered an ordinary disease of life,  
29 that such employee is a firefighter, as defined in Code Section 25-4-2 or 45-9-81, and  
30 by clear and convincing evidence, which shall include medical evidence, shows that  
31 the cancer is attributable to the firefighter's performance of his or her duties as a  
32 firefighter; and

33 (E) That the disease must appear to have had its origin in a risk connected with the  
34 employment and to have flowed from that source as a natural consequence.

35 For the purposes of this paragraph, partial loss of hearing due to noise shall not be  
36 considered an occupational disease. Psychiatric and psychological problems and heart  
37 and vascular diseases shall not be considered occupational diseases, except where they  
38 arise from a separate occupational disease."

39 **SECTION 2.**

40 All laws and parts of laws in conflict with this Act are repealed.